

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

BRUCE CORKER, *et al.*, on behalf of  
themselves and others similarly situated,

Plaintiff,

v.

COSTCO WHOLESALE  
CORPORATION, *et al.*,

Defendants.

Case No. 2:19-CV-00290-RSL

**ORDER GRANTING MOTION FOR  
ATTORNEYS' FEES, REIMBURSEMENT  
OF EXPENSES, AND SERVICE AWARDS**

Upon review and consideration of Plaintiffs' Motion for Attorneys' Fees, Reimbursement of Expenses, and Service Awards ("Motion"), and all declarations and exhibits submitted in support thereof, the Court GRANTS the motion and finds as follows:

1. Unless otherwise provided, all capitalized terms shall have the same meaning as set forth in the Motion.

2. Plaintiffs have presented a class action settlement with Defendant L&K Coffee Co., LLC ("L&K") for the Court's approval. The settlement includes monetary relief totaling \$6,150,000.00, and injunctive provisions that institute labeling changes for the products supplied and sold by L&K.

1                   **2. Attorneys' Fees**

2           3.       Class Counsel have requested attorneys' fees in the amount of \$2,029,500, or 33  
3 percent of the settlement fund.

4           4.       The requested fees are fair and reasonable under the circumstances. The Court  
5 reaches this conclusion upon consideration of the results achieved, the complexity of the case  
6 and risks involved in prosecuting it, especially on a contingent basis, the benefits to the class  
7 beyond the immediate generation of a cash fund, fees awarded in similar cases, and a lodestar  
8 cross-check. *See Vizcaino v. Microsoft Corp.*, 290 F.3d 1043, 1048-52 (9th Cir. 2002).

9           5.       First, the results obtained by Class Counsel are excellent. In addition to the  
10 substantial monetary component, the settlement provides for meaningful injunctive relief in the  
11 form of practice changes on the part of L&K.

12          6.       Second, the Court finds that the complexity of this case presented unusual risks,  
13 particularly in a contingent fee case. The sheer number of defendants presented its own  
14 complexities, as did pursuing Lanham Act claims on a class basis, particularly in the onset of and  
15 through the global pandemic. These circumstances weigh in favor of the requested fee.

16          7.       Third, the Court has considered the benefits to the Settlement Class beyond the  
17 cash component of the settlement. The Court finds that the injunctive relief provisions of the  
18 settlement support the requested fee.

19          8.       Fourth, the Court has considered other cases involving the creation of both a cash  
20 fund and valuable injunctive relief, and finds that the requested fee is consistent with awards in  
21 analogous cases.

22          9.       The Court also exercises its discretion to perform a lodestar cross-check. *See*  
23 *Vizcaino*, 290 F.3d at 1050. The Court finds that the hours and rates used to generate the overall  
24 lodestar figure are reasonable. Taking into account fees previously awarded in connection with  
25 prior settlements, that cross-check reveals a negative multiplier of .72, which confirms the  
26 reasonableness of the requested fee.

1           10.     The Court grants Class Counsel's request of a fee of \$2,029,500 to be paid from  
2 the Settlement Funds generated by the settlement.

3                   **3.     Costs and Expenses**

4           11.     Class Counsel has also requested reimbursement of litigation expenses in the  
5 amount of \$970,500.

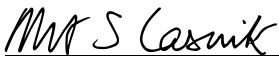
6           12.     The Court has reviewed Class Counsel's costs and finds that they were reasonably  
7 incurred, and accordingly grants reimbursement of \$970,500 from the Settlement Funds.

8                   **4.     Service Awards**

9           13.     Class Counsel requests service awards of \$2,500 for each farm whose owners  
10 have served as class representatives in this litigation: Rancho Aloha, Kanalani Ohana Farm, and  
11 Smithfarms.

12           14.     The requested awards are fair and reasonable. Each class representative invested  
13 substantial amounts of time in this case and have made significant contributions to the case on  
14 behalf of the members of the Settlement Class. *See Rodriguez v. West Publ'g Corp.*, 563 F.3d  
15 948, 958 (9th Cir. 2009). The Court accordingly awards each farm the requested service awards  
16 of \$2,500.

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18           Dated this 16th day of February, 2023.

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20                                 Robert S. Lasnik  
21                                 United States District Judge  
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